

From: ["Garcia, Bert" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=FE9985E7060941D1920961C60EBFC668-GARCIA, BERT>](#)
To: [Hamilton](#)
[Karen](#)
CC:
Date: 9/11/2014 4:19:49 PM
Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draftresponse to mine

Thanks for the update Karen.

Bert Garcia
Director, Ecosystems Protection Program
EPA Region 8

-----Original Message-----

From: Hamilton, Karen
Sent: Thursday, September 11, 2014 11:59 AM
To: Garcia, Bert
Subject: FW: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Bert

Our intention is to only have a listening session. We have concurred with the Corps' preliminary JD which is now being finalized. The Corps has emphasized the mine can appeal the JD. The Corps views this as a courtesy they are willing to provide. We might meet in Silverthorne Oct 6.

Karen

-----Original Message-----

From: Lazuk, Raymond [mailto:Raymond_Lazuk@FMI.com]
Sent: Thursday, September 11, 2014 11:49 AM
To: Hamilton, Karen
Cc: McWhirter, Lesley A SPK
Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Karen,

I left you a voice message on this. As described in our email of August 20 to Lesley below, we believe that the scope of the wastewater treatment exemption at Climax is defined by the design, construction and operation of the wastewater treatment system. That system was constructed in compliance with an NPDES permit issued by EPA to Climax in 1974 and operated in compliance with subsequent permits issued by CDPHE. We would like to meet with both you and the Corps to discuss the scope of the proposed jurisdictional determination as it relates to the NPDES permit and the actual hydrologic conditions at the mine.

Thanks,

- Ray

-----Original Message-----

From: Hamilton, Karen [mailto:Hamilton.Karen@epa.gov]

Sent: Wednesday, September 10, 2014 11:13 AM

To: Lazuk, Raymond

Cc: McWhirter, Lesley A SPK

Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Thanks, Ray. Help me understand the objective of the meeting.

karen

-----Original Message-----

From: Lazuk, Raymond [mailto:Raymond_Lazuk@FMI.com]

Sent: Wednesday, September 10, 2014 10:32 AM

To: Hamilton, Karen; McWhirter, Lesley A SPK

Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Karen/Lesley,

We are available the early afternoon of October 6 to meet.

- Ray

-----Original Message-----

From: Hamilton, Karen [mailto:Hamilton.Karen@epa.gov]

Sent: Tuesday, September 09, 2014 4:23 PM

To: Lazuk, Raymond

Cc: McWhirter, Lesley A SPK

Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

I was just reminded that we have a ceremony the afternoon of the 25th at which some of our involved people are being recognized. If we try to meet the Corps somewhere part way (e.g., Glenwood is 3 hrs for Denver people), we won't be able to fit in travel, meeting and ceremony.

So. Unfortunately, none of those days (24, 25, 26) work in order to have both staff and at least one manager from EPA at a meeting. The following week I am in MT so if you want me at the meeting, we are now looking at the week of Oct 6. It all depends on who you want at the meeting, Ray.

The end of the year can get problematic and I'm sorry scheduling can be so difficult with the various activities going on that we are trying to cover. Doodle polling is sometimes an efficient option when openings are not immediately obvious.

Karen

Karen Hamilton

Chief, Aquatic Resource Protection and Accountability Unit US Environmental Protection Agency Region 8

1595 Wynkoop St.

Denver, CO 80202

303 312 6236

Protect our Nation's waters

-----Original Message-----

From: Lazuk, Raymond [mailto:Raymond_Lazuk@FMI.com]

Sent: Tuesday, September 09, 2014 3:20 PM

To: Hamilton, Karen

Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Not yet. I will call Lesley, but she may be out of the office.

-----Original Message-----

From: Hamilton, Karen [mailto:Hamilton.Karen@epa.gov]

Sent: Tuesday, September 09, 2014 3:09 PM

To: Lazuk, Raymond

Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Have you heard from the Corps?

-----Original Message-----

From: Lazuk, Raymond [mailto:Raymond_Lazuk@FMI.com]

Sent: Tuesday, September 09, 2014 3:01 PM

To: Hamilton, Karen

Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Thanks Karen. That should work for us and I will forward this on to our team.

- Ray

-----Original Message-----

From: Hamilton, Karen [mailto:Hamilton.Karen@epa.gov]

Sent: Tuesday, September 09, 2014 2:57 PM

To: Lazuk, Raymond

Subject: FW: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Based on the reports coming in from EPA so far, Ray, the 25th before 230 (and preferably 1-230) is best. Toney Ott is involved in a water quality activity on the 24th.

Karen

Karen Hamilton
Chief, Aquatic Resource Protection and Accountability Unit US Environmental Protection Agency Region 8
1595 Wynkoop St.
Denver, CO 80202
303 312 6236

Protect our Nation's waters

-----Original Message-----

From: Hamilton, Karen
Sent: Tuesday, September 09, 2014 2:01 PM
To: Lazuk, Raymond; McWhirter, Lesley A SPK
Cc: Ott, Toney; Deely, Sheila H.
Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Hello Ray
I am available the 24th and the morning of the 25th. It might be easier for the Corps if we meet somewhere between Denver and Grand Junction, but we'll see what Lesley thinks.

Karen

Karen Hamilton
Chief, Aquatic Resource Protection and Accountability Unit US Environmental Protection Agency Region 8
1595 Wynkoop St.
Denver, CO 80202
303 312 6236

Protect our Nation's waters

-----Original Message-----

From: Lazuk, Raymond [mailto:Raymond_Lazuk@FMI.com]
Sent: Tuesday, September 09, 2014 1:50 PM
To: Hamilton, Karen; McWhirter, Lesley A SPK
Cc: Ott, Toney; Deely, Sheila H.
Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Hello Karen and Lesley,

Thank you again for your willingness to meet with Climax as per the August 28 email below. We would like to meet in person at EPA's office in Denver the afternoon of either September 24, 25 or 26. Please let us know if those dates are convenient for you.

- Ray

Raymond Lazuk
Environmental Manager
Climax Molybdenum Company - Climax Mine
Highway 91 - Fremont Pass
Climax, CO 80429

Office: 719-486-7584
Cell: 719-201-1282
raymond_lazuk@fmi.com

-----Original Message-----

From: Hamilton, Karen [mailto:Hamilton.Karen@epa.gov]
Sent: Thursday, August 28, 2014 1:36 PM
To: Lazuk, Raymond
Cc: McWhirter, Lesley A SPK; Ott, Toney
Subject: FW: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

Dear Mr Lazuk:

We have concurred with the Corps' draft jurisdictional determination for McNulty Gulch. If you would like to have a meeting about your position on the 1974 NPDES permit as it pertains to this JD, the Corps needs to be included in that meeting. You may coordinate a date and time for EPA's

attendance at that meeting with me.

Sincerely

Karen

Karen Hamilton

Chief, Aquatic Resource Protection and Accountability Unit US Environmental Protection Agency Region 8

1595 Wynkoop St.

Denver, CO 80202

303 312 6236

-----Original Message-----

From: Lazuk, Raymond [mailto:Raymond_Lazuk@FMI.com]

Sent: Thursday, August 28, 2014 10:34 AM

To: McWhirter, Lesley A SPK

Subject: [EXTERNAL] RE: EPA Contact for Climax Mine Section 404 Permitting

Hi Lesley,

Thanks again for the phone discussion yesterday. Since I did not hear back from you yesterday it appears that EPA has not yet responded. Please provide me with the name of the EPA official that you sent your JD recommendation to and we can reach out to that person.

Thanks,

- Ray

From: Lazuk, Raymond
Sent: Wednesday, August 27, 2014 9:47 AM
To: McWhirter, Lesley A SPK (Lesley.A.McWhirter@usace.army.mil)
Subject: RE: EPA Contact for Climax Mine Section 404 Permitting

Hi Lesley,

This is to follow up on my email below and phone conversation with you last Wednesday. Can you please provide a contact at EPA for us to discuss our position regarding the 1974 NPDES permit and JD with?

Thanks,

- Ray

From: Lazuk, Raymond
Sent: Wednesday, August 20, 2014 11:01 AM
To: McWhirter, Lesley A SPK (Lesley.A.McWhirter@usace.army.mil)
Cc: Nall, Susan SPK (Susan.Nall@usace.army.mil); Finan, Michael C SPK (Michael.C.Finan@usace.army.mil); Joshua.R.Holmes@usace.army.mil; Deely, Sheila H.; Decker, D. Lee; 'Robert M. Andersen' (randersen@ClarkHill.com)
Subject: EPA Contact for Climax Mine Section 404 Permitting

Lesley,

Thank you for the recent opportunity to discuss your preliminary conclusions and recommendations regarding the jurisdictional determination (JD) of the McNulty Gulch study area prior to submittal to EPA.

As you are aware, our position regarding the extent of the waste treatment system exemption as applied to the McNulty Gulch drainage area at the Climax Mine turns on language from the original NPDES permit that EPA Region 8 issued to Climax in 1974. That permit (p. 6 of 17 (Section (B)(1))) directly required construction , operation, and maintenance of the east and west interceptors at the mine to convey clean water around the mine site, allow impacted water within the mine site to be treated, and to ensure compliance with effluent limitations.

Because the 1974 NPDES permit issued by EPA establishes the scope and configuration of the waste treatment system for the Climax Mine, along with the fact that the application of the waste treatment exemption is largely defined by Section 402 of the Clean Water Act, we believe it is important that Climax discuss the appropriate application of the waste treatment system directly with EPA, as it has with the Corps. We would very much appreciate your advising us as to who you are specifically conferring with at EPA, and we would be grateful if you would pass along this message to them.

- Ray

Raymond Lazuk

Environmental Manager

Climax Molybdenum Company - Climax Mine

Highway 91 - Fremont Pass

Climax, CO 80429

Office: 719-486-7584

Cell: 719-201-1282

raymond_lazuk@fmi.com